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Letter dated 17 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/380).

The Counter-Terrorism Committee has received the attached supplementary report from Ireland, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 14 June 2002 from the Permanent Representative of Ireland to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Further to your letter of 22 March 2002, I have the honour to forward to you the Government of Ireland's second report to the Counter-Terrorism Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Richard **Ryan**
Ambassador
Permanent Representative

Enclosure

Ireland: second report to the Counter-Terrorism Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001)

This second report addresses the comments/questions in the letter of 22 March 2002 from the Chairman of the Counter Terrorism Committee.

The process of giving effect to UNSCR 1373 is ongoing at both national and European Union (EU) level. In particular, work is proceeding at national level on proposals to give effect in domestic law to the conventions directed against terrorism to which Ireland is not yet party, as well as the EU Framework Decision on Combatting Terrorism, which makes provision for, inter alia, a common EU definition of terrorist acts.

It will be recalled from Ireland's first report to the Counter-Terrorism Committee that Irish law has not to date defined terrorism. Accordingly, terrorist offences have traditionally been dealt with by reference to relevant offences under the criminal law (which has general application), e.g. murder, explosives and firearms offences, unlawful seizure of aircraft, as well as dedicated provisions of the Offences Against the State Acts, 1939-1998.

The new legislation will have direct application to terrorism. In addition, the legislation will complement a number of the pertinent existing measures in general criminal law.

Paragraph 1 (a)

As indicated above, offences that are terrorist in nature have hitherto been dealt with by applying the appropriate provisions of the criminal law.

In January 2002, the Government approved proposals for the drafting of a Criminal Justice (Financing of Terrorism) Bill, which will give effect to the *International Convention on the Suppression of the Financing of Terrorism*. The preparation of the Bill is well advanced. Consideration is being given in that context to the manner in which the provisions of the Criminal Justice Act, 1994 can be best applied to the financing of terrorism. The intention is to provide, inter alia, that appropriate powers and procedures are available to ensure that funds used or intended for use in the commission of terrorist offences can be frozen and forfeited.

Given the links between terrorist crime and money laundering, the provisions of the Criminal Justice Act, 1994 are also available for the purpose of combatting terrorist crime. The Act provides for an offence of money laundering which applies to property which is known or believed to represent the proceeds of criminal conduct (section 31). The Act also imposes a number of obligations on designated bodies for the purposes of the Act with a view to combatting money laundering.

Designated bodies are required by the Act to take measures to prevent and assist in the detection of money laundering. Those obligations include establishing the identity of persons for whom it is proposed to provide services, retaining such identification information and documents relating to transactions for a specified period, and the adoption of measures to prevent and detect the commission of money laundering offences. Designated bodies are also required to prevent and detect the commission of offences by establishing procedures to be followed by directors, officers and employees of the designated body; by the giving of instructions to those persons on the application of the 1994 Act and the EU Money Laundering Directives; and by the training of those persons to enable them to identify a transaction which may relate to the commission of a money laundering offence (section 32). Persons to whom these obligations apply are also under a duty to report to the Garda Síochána (Irish Police) where they suspect that an offence relating to money laundering or a contravention of measures required to be taken to prevent money laundering has been or is being committed (section 57). The Act also enables the designation of States or territorial units which do not have in place adequate procedures for the detection of money laundering and requires designated bodies to report any transactions connected to such States or territories (section 57A).

Detailed guidance to financial institutions on the fulfilment of their legal obligations under the Criminal Justice Act 1994 is set out in Guidance Notes issued by the Money Laundering Steering Committee which is chaired by the Department of Finance and contains representatives of the relevant Government departments, the Garda Síochána, regulators and industry bodies. The Central Bank and the Department of Enterprise, Trade and Employment, as regulators of the financial sector, audit financial institutions to ensure that they have procedures in place to ensure compliance with their legal obligations under the Criminal Justice Act 1994.

Designated bodies for the purposes of the Act extend at present to banks, building societies, credit unions, bureaux de change, stockbrokers, insurance companies, money brokers, investment companies and unit trust management companies. Consultations will be commencing shortly with a view to extending the list of designated bodies in accordance with the Second EU Money Laundering Directive to a range of additional persons and bodies, including money transmission/remittance offices, auditors, accountants, tax advisers, real estate agents, lawyers, dealers in high value goods and casinos.

The maximum penalty for non compliance with the reporting provisions (section 57) on indictment is a fine or imprisonment for a term not exceeding 5 years or both. The penalty in the event of a summary conviction is a fine not exceeding 1,270 euro or imprisonment for a term not exceeding 12 months or both. There have been no prosecutions under this provision to date.

Paragraph 1 (b)

The Financial Transfers Act, 1992 enables the Minister for Finance, by order, to make provision for the restriction of financial transfers between the State and other countries. It creates an offence and sets out penalties for the contravention of such an order. An order under the Financial Transfers Act, 1992 usually prohibits financial transfers between the state and another country in relation to persons, entities or bodies specified in EU Regulations containing financial sanctions. The Act cannot be applied to "terrorist" organisations generically.

With regard to the Offences Against the State Acts, 1939-98, section 18 of the 1939 Act provides that organisations which engage in specified forms of activity are unlawful organisations within the meaning and for the purposes of those Acts. The section accordingly provides that any organisation which:

(a) engages in, promotes, encourages, or advocates the commission of treason or any activity of a treasonable nature, or

(b) advocates, encourages, or attempts the procuring by force, violence, or other unconstitutional means of an alteration of the Constitution, or

(c) raises or maintains or attempts to raise or maintain a military or armed force in contravention of the Constitution or without constitutional authority, or

(d) engages in, promotes, encourages, or advocates the commission of any criminal offence or the obstruction of or interference with the administration of justice or the enforcement of the law, or

(e) engages in, promotes, encourages, or advocates the attainment of any particular object, lawful or unlawful, by violent, criminal, or other unlawful means, or

(f) promotes, encourages, or advocates the non-payment of moneys payable to the Central Fund or any other public fund or the non-payment of local taxation,

is an unlawful organisation. Certain related provisions - including the offence of inciting or inviting another person to support or assist the activities of such organisations under section 3 of the Criminal Law Act 1976 - apply generally to such organisations. Other provisions of the Offences Against the State Acts, however, require the making of a suppression order in respect of the organisation in question in accordance with section 19 of the 1939 Act before they will have application. Such provisions include those providing for the forfeiture of the property of an unlawful organisation.

As indicated in relation to subparagraph 1 (a), work is well advanced on the preparation of a Criminal Justice (Financing of Terrorism) Bill, which will enable Ireland to give effect to the International Convention on the Suppression of the Financing of Terrorism.

Paragraph 1 (c)

Since Ireland's first report to the CTC , EC Regulation 467/2001 (giving effect to UN Security Council Resolutions 1267/1333) has been repealed and replaced by EC Regulation 881/2002 of 27 May, 2002 (giving effect to UN Security Council Resolution 1390). Additional measures directed to the freezing of funds of persons and entities with a view to combatting terrorism have also been adopted at EU level in the period since Ireland's first report.

The relevant EU measures, which have direct effect in Ireland, are as follows:

- EC Council Regulation 881/2002 on specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.

- EC Council Regulation 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combatting terrorism and the related Council Decisions 2001/927/EC establishing the list provided for in that Regulation and 2002/334/EC updating that list. The list is likely to continue to be updated on a frequent basis.

The Central Bank of Ireland is the competent authority which supervises financial institutions regarding implementation of EC Regulations in relation to freezing of funds.

With regard to domestic statutory provisions referred to in our first report, these have application in different circumstances within the limits of the scope of the measures in question. As previously indicated, section 22 of the Offences Against the State Act, 1939 provides, inter alia, that on the making of a suppression order in respect of an unlawful organisation all property of such organisation is forfeited to and vested in the Minister for Justice, Equality and Law Reform. The section also permits the Minister to take possession etc. of such property and to take such legal proceedings and other steps as may appear necessary or expedient for that purpose. The Offences Against the State (Amendment) Act, 1985 provides a procedure whereby the Minister for Justice, Equality and Law Reform can authorise the restraint of funds held by any person which are believed to be for the use or benefit of such an unlawful organisation, with provision for a person claiming to be the owner of such funds to take proceedings before the High Court seeking their recovery.

Likewise, as indicated in our initial report, other provisions of the criminal law relating to the proceeds of crime more generally could also have application to terrorist financing and would permit the confiscation of terrorist finances where these can be shown to be the proceeds of crime either directly or indirectly. The Criminal Justice Act, 1994 contains detailed and comprehensive provisions for the confiscation of the proceeds of crime following a conviction but also permits such proceeds to be made subject to a restraint order either in the course of criminal proceedings or where criminal proceedings are contemplated. The Proceeds of Crime Act, 1996 enables the High Court to freeze and ultimately dispose of property which the court is satisfied, on the balance of probabilities, is the proceeds of crime. The bringing of proceedings under the 1996 Act does not require either a prior conviction or criminal proceedings to have been initiated against a person.

In accordance with section 9 of the Criminal Justice Act, 1994, where a person is convicted of an offence other than a drug trafficking offence, the Director of Public Prosecutions may, following the conviction, apply to the court to determine whether the person has benefited from the offence and to make a confiscation order for such sum as the court thinks fit. In the case of a conviction for a drug trafficking offence, the court will automatically determine whether the person has benefited from the offence and, if it is satisfied that there has been such a benefit, the court can require the repayment of that benefit. Section 24 of the Act provides for the making of a restraint order in circumstances where a confiscation order has been made or where it is likely to be made. It prohibits any person from dealing with realisable property, subject to any conditions and exceptions specified in the order. Under the section the court can issue a restraint order either where criminal proceedings have been instituted against a person or where proceedings are anticipated. Where a restraint order is in place the Garda Síochána, or the customs service, are empowered to seize the property to prevent it being removed from the State. Section 61 provides that a forfeiture order may be made in respect of property used in the commission, or intended commission, of an offence. This section was amended by the Offences against the State (Amendment) Act, 1998 to include provision that where a person has been convicted of an offence related to the use of explosives or firearms and there is related property available, a forfeiture order must be made unless the making of the order gives rise to a serious risk of injustice.

With regard to the Proceeds of Crime Act, 1996, the position is that the High Court is empowered to make an interim order freezing property for up to 21 days on the basis of an ex parte application by a member of the Garda Síochána not below the rank of Chief Superintendent or a Revenue official. An interlocutory order, freezing property for up to 7 years, may then be sought under section 3. The Garda Síochána or the Revenue must make out a case to the court that the property is the proceeds of crime. If the court accepts that they have succeeded in this, the onus then shifts to the respondent to show that this is not the case. Where the property remains frozen for 7 years, the Act empowers the High Court, upon application by a member of the Garda Síochána not below the rank of Chief Superintendent or a Revenue official, to make a disposal order. The court must make the

order unless it is shown to its satisfaction that the property is not the proceeds of crime. The effect of a disposal order is to deprive the respondent of any rights in the property.

The new Criminal Justice (Financing of Terrorism) Bill, which will give effect in Irish law to the *Convention for the Suppression of the Financing of Terrorism*, and on which work is well advanced, will also create new possibilities by reference to both the procedures available under the Criminal Justice Act, 1994 and the Proceeds of Crime Act, 1996.

Paragraph 1 (d)

At present, there is no system of charity registration in Ireland other than by the Revenue Commissioners for tax purposes. The Agreed Programme of the recently elected Government, published in June 2002, commits the Government to comprehensive reform of the law relating to charities to ensure accountability and to protect against abuse of charitable status and fraud. Proposals for legislative reform will be brought forward as soon as possible following completion of a consultation process involving interested parties.

The Garda Síochána maintains relevant surveillance, in cooperation with police forces in other countries and with the relevant international police organisations.

Paragraph 2 (a)

Section 3 of the Criminal Law Act, 1976 makes it an offence for any person to recruit another person for an unlawful organisation or to incite or invite another person to join an unlawful organisation or to take part in or support or assist its activities. Section 18 of the Offences Against the State Act 1939 sets out the criteria according to which an organisation is an unlawful organisation and these are set out in full in the response to a query raised in the context of paragraph 1(b). More generally the 1939 Act defines the word "organisation" as including associations, societies and other organisations or combinations of persons of whatsoever nature or kind whether known or not known by a distinctive name.

The provisions of the criminal law governing conspiracy, aiding and abetting, and attempting to commit offences would have application where recruitment was taking place by or for an individual (as distinct from by or for an organisation) in appropriate circumstances, i.e. where the purpose was criminal.

Proposals for legislation to give effect to the EU Framework Decision on Combatting Terrorism are in the course of preparation. That legislation will have relevance both to issues dealt with in the context of this specific subparagraph of UNSCR 1373 and more generally, as the Framework Decision includes provision for:

- a common EU definition of terrorist offences by reference to specified conduct as defined as offences under national law when committed with the aim of seriously intimidating a population, unduly compelling a Government or international organisation to perform or abstain from performing an act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or international organisation

- offences relating to terrorist groups such as directing or knowingly participating in the activities of such groups, as well as other terrorist linked offences which are committed for the purpose of committing terrorist acts

- the penalties to apply to terrorist offences, etc. and the circumstances in which jurisdiction may be exercised in respect of such offences when committed outside Ireland.

With regard to controls in the area of firearms, the relevant statutory provisions are contained in sections 10, 16 and 17 of the Firearms Act 1925, sections 20 and 21 of the Firearms Act 1964 in addition to the European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993. The strict firearms licencing policy extends to the importation of firearms into the State. The importation of pistols, air pistols, revolvers, handguns and stun guns is totally prohibited. Furthermore, no licences permitting the manufacture of firearms or ammunition are currently in existence.

Paragraph 2 (b)

The primary agency with responsibility for law enforcement in Ireland, including counter terrorism, is the Garda Síochána. This force also conducts the intelligence gathering function associated with the prevention and investigation of crime including terrorism. The Garda Síochána are operationally independent but are subject to the general law enforcement policies set by Government.

With regard to measures directed to the prevention of recruitment etc., section 3 of the Criminal Law Act, 1976, which has been previously referred to, would be relevant within the terms of the legislation in question. Provisions of the criminal law more generally in the area of fraud could have application in cases of misrepresentation. The legislation which will give effect to the *Convention for the Suppression of Financing of Terrorism* and the EU Framework Decision on Combatting Terrorism is also likely to have application in this area.

Paragraph 2 (d)

The general principle in Irish law is that jurisdiction is territorial. There are exceptions, however, and extraterritorial jurisdiction can be exercised in accordance with law. Relevant exceptions for this purpose include:

- offences within the scope of the *Convention on Offences and Certain Other Acts Committed on Board Aircraft*, the *Convention for the Suppression of Unlawful Seizure of Aircraft*, *the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* and the *Convention on the Physical Protection of Nuclear Materials* under the relevant legislation

- offences within the scope of the *European Convention on the Suppression of Terrorism* when committed outside the State in certain circumstances by virtue of sections 5 and 6 of the Extradition (European Convention on the Suppression of Terrorism) Act, 1987

- the offence of murder, manslaughter and offences under sections 2 and 3 of the Explosive Substances Act, 1883 when committed outside the State by an Irish citizen

- scheduled offences for the purposes of the Criminal Law (Jurisdiction) Act 1976 when committed in Northern Ireland.

More generally, section 38 of the Extradition Act, 1965 provides that where a citizen of Ireland does an act outside the State which constitutes an offence for which he would be liable to extradition but for the fact that he is a citizen of Ireland he shall be guilty of the like offence as if the act were done in the State.

Implementation of the EU Framework Decision on Combatting Terrorism will supplement these provisions as it requires extraterritorial jurisdiction to be taken in respect of terrorist offences coming within the scope of the Decision in certain circumstances including where committed by a national or resident. Proposals for legislation to give effect to the Framework Decision are in the course of preparation.

Paragraph 2 (e)

As previously stated, Irish law does not as yet distinguish terrorist acts for the purposes of the criminal law. Terrorist acts accordingly fall to be dealt with by reference to the relevant offences under the criminal law, e.g. murder, explosives, firearms. Likewise the provisions of the criminal law governing conspiracy, aiding and abetting, and attempting to commit offences in addition to substantive offences are relevant to the preparation for particular terrorist acts.

The position in this regard will also change when legislation to give effect to the EU Framework Decision on Combatting Terrorism is enacted. The Framework Decision makes provision, inter alia, for a common definition of terrorist acts and certain minimum criminal sanctions.

Paragraph 2 (g)

With regard to measures directed to the control of immigration, the Government in April 2000 increased the approved strength of the Garda Síochána by 200 members for assignment to the Garda National Immigration Bureau. The Bureau, which was established in May 2000, is charged, inter alia, with:

- the effective co-ordination of operational strategies and resources at point of entry into the State (airports, ports and border crossings)
- the co-ordination and direction of strategies to combat trafficking in illegal immigrants
- the effective co-ordination of activities leading to the execution of deportation orders
- the strengthening of international liaison arrangements on relevant immigration issues including liaison with Garda liaison officers based abroad.

With regard to measures in relation to the issuance of documents to foreign residents, the position is that, subject to certain limited exceptions, every person who is not a national of the European Economic Area (the 15 countries of the EU, Norway and Iceland) and who is present in the State for more than three months is required to register with the Garda Síochána.

The Garda National Immigration Bureau has introduced a new computerised registration information system which first went live in September, 2001 and which has now replaced the previous paper based manual registration process. The new system enables all data to be recorded electronically and the customer is issued on the day of registration with a credit card size registration certificate incorporating a digitised photograph. The new high security card is now issued in respect of all first time registrations and all persons renewing the older paper certificate. By the end of 2002 the vast majority of paper certificates will have been replaced with electronically generated cards. The new system contains easily retrievable details of every non-EEA national who registers in the State and every non-EEA national who has been deported or who is in the process of being deported.

The security features embodied in the new high security card make it more difficult for criminals to abuse them through counterfeit or forgery. The development also has

significant advantages in terms of readily accessing information for intelligence purposes. It will also facilitate the exchange of urgently requested operational information with other Governments. It will enable the maintenance of accurate records of non-EEA nationals resident in the State and the development of a more effective "watch list" system. The system will act as an initial and significant platform in increasing the security of identity papers and travel documents issued.

The system is to be further developed in the course of the year with a view to:

- its extension in terms of geographical location to all ports of entry into the State, and

- enabling the system to hold additional information and interact with other systems, e.g. other Government agencies, airlines. This envisages the use of document examination technology and facial recognition software at ports and airports throughout the State.

Paragraph 3 (c)

The relevant bilateral agreements to which Ireland is party are as follows:

Agreement between the Government of Ireland and the Government of the Russian Federation on co-operation in combatting illicit trafficking and abuse of narcotic drugs and psychotropic substances (in force).

Agreement between the Government of Ireland and the Government of the Russian Federation on co-operation in fighting crime (in force).

Agreement between the Government of Ireland and the Government of the Republic of Hungary on Co-operation in Combatting Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and other serious crime (in force).

Agreement between the Government of Ireland and the Government of the Republic of Poland on Co-operation in Combatting Organised Crime and other Serious Crime (signed but not yet in force).

Agreement between the Government of Ireland and the Government of the Republic of Cyprus on Co-operation in Combatting Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and Other Serious Crime (signed but not yet in force).

Agreement between the Government of Ireland and the Government of the Republic of Bulgaria on Co-operation in Combatting Illicit Trafficking in Drugs and Precursors,

Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and Other Serious Crime (signed but not yet in force).

A Memorandum of Understanding between the Garda Síochána and the Ministry of Internal Affairs of the Russian Federation on co-operation in the field of law enforcement will be signed shortly.

A Memorandum of Understanding between the Garda Síochána and the Hungarian National Police to enhance co-operation between the Irish and Hungarian national police services will be signed shortly.

Paragraph 3 (d)

The Government approved proposals for the drafting of a Criminal Justice (United Nations Conventions) Bill and a Criminal Justice (Financing of Terrorism) Bill in December 2001 and January 2002 respectively. The Criminal Justice (United Nations Conventions) Bill will give effect in Irish law to the *International Convention for the Suppression of Terrorist Bombings - New York, 1997*, the *Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, 1973* and the *Convention Against the Taking of Hostages, 1979*. The Criminal Justice (Financing of Terrorism) Bill will give effect to the *International Convention for the Suppression of the Financing of Terrorism - New York, 9 December,1999*. Preparation of the Bills is well advanced.

The Government will also bring forward legislation to permit Ireland to become party to the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation* and the *Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.*

Accession by Ireland to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1991* will not require primary legislation. The Government will shortly move a Parliamentary motion seeking approval of the terms of the Convention.

Paragraph 3 (e)

Ireland is a party to the following two bilateral treaties on extradition:

- Treaty on Extradition between Ireland and the United States of America , signed on 13 July 1983, and entered into force on 15 December 1984, registered with the United Nations Secretariat (No. 26242)

- Treaty on Extradition between Ireland and Australia, signed on 2 September 1985, and entered into force on 29 March 1989, registered with the United Nations Secretariat (No. 26637).

Neither treaty specifies each crime to be considered extraditable, but rather defines, in Article II of both treaties, an extraditable offence as one which is "punishable under the law of both Contracting Parties by imprisonment for a period of more than one year, or by a more severe penalty".

Paragraph 4

Ireland is aware of the close connection between international terrorism and the other serious threats listed in paragraph 4. It is playing a full role in the development and co-ordination of efforts to strengthen a global response. It is working actively within the UN and the EU for this purpose.

Transnational Organised Crime

While organised crime is a relatively recent phenomenon in Ireland, it is recognised that international organised crime groups have established global networks which pose a threat to the international community. In Ireland in recent years, the threat of organised crime has been met through strong legislative measures supported by rigorous enforcement. The core legislation enacted includes the Criminal Assets Bureau Act, 1996; the Proceeds of Crime Act, 1996; the Disclosure of Certain Information for Taxation and Other Purposes Act, 1996; as well as amendments to the Revenue and Social Welfare Acts.

The overall result has been to provide a legal basis for identification of the suspected proceeds of crime and to deny criminals of the enjoyment of those proceeds. The Criminal Assets Bureau (CAB) has primary responsibility for the enforcement of these laws, using a multi-agency approach. It is staffed by officers from the Garda Síochána, Revenue Commissioners (Taxes), Revenue Commissioners (Customs), and the Department of Social and Family Affairs. It enforces the Proceeds of Crime Act, 1996, whereby specified property can be made the subject of freezing orders, and eventually realised to the benefit of the State. The CAB also ensures that tax and social welfare legislation is applied to persons engaged in criminal activity.

At EU level, Ireland takes part in the integrated approach to tackling organised crime within the framework of the Multi-Disciplinary Working Group on Organised Crime. An EU Strategy for the prevention and control of organised crime is in place to prioritise the measures which will be implemented over the coming years.

Ireland is currently examining legislative proposals to give effect to the UN Convention against Transnational Organized Crime and two related Protocols on the smuggling of

migrants and trafficking of persons. The necessary legal measures to give effect to the Council of Europe Convention on Cybercrime, signed in February 2002, are also under consideration.

Money-Laundering

See paragraph 1(a) above.

Illicit Drugs

The National Drugs Strategy 2001-2008 details the Irish Government's overall strategic objectives and implementing policies for the coming years. The Department of Justice, Equality and Law Reform has overall responsibility for policy on the reduction of the supply of drugs. In recent years, several legislative and criminal justice measures have been put in place to inhibit the supply of drugs, including the Criminal Justice Act 1994, which provides for seizure and confiscation of assets derived from the proceeds of drug trafficking); the Criminal Justice (Drug Trafficking) Act 1996 which provided for the detention of persons suspected of drug trafficking for up to seven days; the Criminal Assets Bureau Act 1996 (described previously); the Disclosure of Certain Information for Taxation and other purposes Act 1996, which provides for exchange of information between the Revenue Commissioners and the Garda Síochána; and the Bail Act 1997, which allows for the refusal of bail to a person who has been charged with a serious offence.

The Garda National Drug Unit was established in 1995 with specific responsibility for targeting national and international drug trafficking. The GNDU works closely with other national and international agencies including the Criminal Assets Bureau, other specialist Garda units, Customs National Drugs Team, Irish Navy, Interpol, Europol and foreign police and customs services. Ireland has Drug Liaison officers in France, Spain and Holland and has officers permanently based at Interpol in Lyon and at Europol in The Hague.

Illegal Arms Trafficking

Ireland does not produce arms. The import and export of arms must be licenced in accordance with the Firearms Acts 1925 and 1964, and the EC (Acquisition and Possession of) Weapons and Ammunition Regulations 1993. Exports are also subject to the Control of Exports Act 1993 and Statutory Orders made thereunder, and to the international obligations and responsibilities derived from membership of the United Nations, the EU, the OSCE and other entities which involve obligations concerning the regulation of arms exports. These include the United Nations Register of Conventional Arms, the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 2001, the European Union Code of Conduct on Arms Exports, 1998, the OSCE Document on Small Arms and Light Weapons, 2000, and the Wassenaar Arrangement.

Illegal Movement of Deadly Material

Nuclear Material: The International Atomic Energy Agency (IAEA) has over recent years developed a programme to combat illicit trafficking in nuclear materials in which all IAEA member states have been invited to participate. Ireland, through the Department of Public Enterprise, the Department of Foreign Affairs and the Radiological Protection Institute of Ireland (RPII) has participated in some of these activities, e.g. simulations of illicit trafficking incidents. On 5 June 2002 the RPII advised the IAEA that Ireland wished to join the programme as a fully participating state.

Ireland's ratification process is already under way on Additional Protocol II to the IAEA Safeguards Agreements. This Protocol provides for strengthening of the Safeguards Agreement by, inter alia, requiring that information be submitted to the IAEA on export, import, production and manufacture of nuclear and related material.

Chemical Material: Ireland is a State Party to the Chemical Weapons Convention and abides by regulations set out by the Organization for the Prohibition of Chemical Weapons. Ireland's annual returns to the OPCW provide a record of transfer of material in and out of the State and these are cross-referenced with the returns of other countries to ensure that there are no discrepancies. A license is required for the keeping of a Schedule One chemical and any movement from the licensed site requires a new license application.

Biological Material: Ireland is a party to the Biological and Toxin Weapons Convention and is currently reviewing the legislative situation regarding activities in the biological field which are or may be within the scope of that Convention.

Ireland is also a member of the Australia Group and the Nuclear Suppliers Group, which regulate export of dual-use goods and technologies in the chemical, biological and nuclear fields. In addition, Ireland implements the EU Regulation on Dual-Use goods.

Other Matters:

The following are the organisations charged with giving practical effect to the laws, regulations and other documents which contribute to compliance with the Resolution:

Garda Síochána

The Garda Síochána is Ireland's national police service and was established in 1922. It has responsibility for the maintenance of law and order within the State. In addition to the roles and functions of a national police service, it also has responsibility for State security. The Garda Síochána is separate and autonomous from the other elements in the criminal justice system.

The general direction, management and control of the force is the responsibility of the Commissioner of the Garda Síochána, who is appointed by the Government. He is responsible to the Minister for Justice, Equality and Law Reform, who in turn is accountable to Dáil Éireann (lower House of Parliament). The Commissioner carries out his duties within the rule of law and in accordance with regulations laid down by the Minister for Justice, Equality and Law Reform and Acts of the Oireachtas (Parliament).

The Commissioner's management team comprises two Deputy Commissioners and ten Assistant Commissioners. Deputy Commissioner Operations co-ordinates, inter alia, the activities of Assistant Commissioner Crime and Security, who oversees, inter alia, the Garda National Immigration Bureau, the National Bureau of Criminal Investigation, the Garda Bureau of Fraud Investigation and contact with the Criminal Assets Bureau.

Garda National Immigration Bureau

The Garda National Immigration Bureau has national responsibility for all Garda matters pertaining to immigration matters in the State. The duties of Bureau members include the carrying out of deportation orders issued by the Minister for Justice, equality and Law Reform. Apart from Garda personnel attached to the Bureau, there are also Garda personnel assigned to immigration duties at all sea and air ports in the State and on a random basis along the border with Northern Ireland.

The Immigration Registration Office is part of the Bureau. Non-nationals resident in Dublin who are required to register with the Garda Síochána do so at the Office. Outside Dublin they register at their local Garda station.

National Bureau of Criminal Investigation

The Bureau has national responsibility for, inter alia, the investigation of murder, serious and organised crime and racketeering.

Garda Bureau of Fraud Investigation

The Bureau has national responsibility for the investigation of fraud related crime. Part of the Bureau is the Money Laundering Investigation Unit, which was established in 1995 as a result of the implementation of the Criminal Justice Act, 1994. The main function of the Unit is to act as a national reception point for the receipt, analysis and investigation of all disclosures relating to suspicious transaction reports from bodies designated under the Act. There is close co-operation between the Unit and the Criminal Assets Bureau.

Criminal Assets Bureau (CAB)

Established under the Criminal Assets Bureau Act, 1996 on 15 October, 1996, the CAB pursues a multi-agency approach and is staffed by officers from the Garda Síochána, Revenue Commissioners (Taxes), Revenue Commissioners (Customs), and the Department of Social and Family Affairs. Its objectives include the identification of assets, wherever

situated, of persons which derive or are suspected to derive, directly or indirectly, from criminal activity. It has primary responsibility in this area and takes appropriate action under the law to deprive or deny those persons of the assets and the proceeds of their activity. It is also charged with fully applying, where appropriate, the Revenue Acts to the proceeds of criminal activity or suspected criminal activity.

Money Laundering Steering Group

The Money Laundering Steering Group is composed of representatives of relevant Government Departments, the Central Bank, the Garda Síochána and the major representative bodies in the financial sector. Its function is primarily to ensure consistency in the application of anti-money laundering guidelines across the financial sector.

Central Bank of Ireland

The Central Bank is statutorily responsible for the supervision of most financial institutions in Ireland including banks, building societies and a broad range of non-bank firms, exchanges and collective investment schemes. Its responsibilities include supervision of financial institutions regarding implementation of EC Regulations in relation to freezing of funds and the supervision of anti-money laundering systems.

Department of Enterprise, Trade and Employment

The Department of Enterprise, Trade and Employment is responsible for the supervision of insurance companies, with responsibilities similar to the Central Bank.